



Thompson Wigdor LLP ATTORNEYS AND COUNSELORS AT LAW

85 Fifth Avenue
New York, NY 10003

Tel 212.257.6800

Fax 212.257.6845

www.thompsonwigdor.com

Lawrence M. Pearson

lpearson@thompsonwigdor.com

April 10, 2013

VIA EMAIL

Honorable Lorna G. Schofield
U.S. District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Guzman v. News Corporation, et al.
09 CV 9323 (LGS)

Dear Judge Schofield:

We represent Plaintiff Sandra Guzman in the above-referenced matter. We write to inform the Court regarding the apparent refusal of Mary McLoughlin, a non-party witness, to appear for a deposition pursuant to subpoena.

The issue of Ms. McLoughlin's deposition was discussed at the parties' conference with the Court on March 28, 2013. As discussed at the conference, Ms. McLoughlin, a long-time employee of the New York Post, may be able to confirm some of the facts surrounding Ms. Guzman's claims, particularly regarding hostile environment allegations concerning a photo editor at the newspaper. At that time of the conference, Plaintiff's counsel understood based upon discussions with Robert Valli, Ms. McLoughlin's counsel, that she had returned to the country after a long absence and that her deposition could be scheduled at a mutually agreeable time. I left a message for Mr. Valli at his office about the deposition within hours of the conference with the Court, and I received a call back later that day from Sara Kane, one of Mr. Valli's partners. Ms. Kane informed me that Ms. McLoughlin would not appear for her deposition for unspecified reasons, and that she intended to file a motion to quash the subpoena during the week of April 1, 2013. Ms. Kane also said that, earlier in the day, she had spoken with counsel for the Defendants in this matter. I told Ms. Kane that the Court anticipated that the deposition would go forward, and that Mr. Valli previously had indicated that Ms. McLoughlin would comply with the subpoena, but she reiterated that they would be filing a motion regarding the subpoena.

Thompson Wigdor LLP ATTORNEYS AND COUNSELORS AT LAW

Honorable Lorna G. Schofield
April 10, 2013
Page 2

The week of April 1 passed without the filing of a motion by Ms. McLoughlin, and an additional phone message for Mr. Valli and Ms. Kane left by Plaintiff's counsel on April 8, 2013 went unreturned. Plaintiff's counsel also provided Defendants' counsel with advance notice of the submission of this letter to the Court.

Therefore, Plaintiff Sandra Guzman respectfully requests that Ms. McLoughlin be ordered to comply with the subpoena and schedule her deposition with the parties for the earliest available mutually convenient date.

Respectfully submitted,



Lawrence M. Pearson

cc: Mark W. Lerner, Esq. (via email)
Robert J. Valli, Jr. (via fax)
Sara Wyn Kane (via fax)